

IZAZOVI “EFEKTIVNOG MULTILATERALIZMA”: SURADNJA EU I OUN U PODRUČJU UPRAVLJANJA KRIZAMA

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Sažetak

Razvoj zajedničke sigurnosne i obrambene politike EU (ZSOP), vojne i civilne misije koje je EU poduzela u okviru ove politike, te usvajanje Europske strategije sigurnosti pružaju novu perspektivu u razvoju odnosa između EU i OUN. Upravljanje krizama postaje prioritet u odnosu između ove dvije organizacije, uz naglašavanje komplementarnosti napora EU u upravljanju krizama i tradicionalne ulogu OUN u ovom području. U radu će se najprije analizirati institucionalizacija odnosa između EU i OUN, a zatim njihova suradnja na primjeru vojnih i civilnih operacija upravljanja krizama. Zaključuje se kako suradnja EU i OUN nudi višestruke pogodnosti za obje organizacije. S jedne strane, OUN daje legalitet i legitimitet akciji EU u području upravljanja krizama, dok, s druge strane, mogućnost da OUN ima ključnu ulogu u “strategiji izlaza” EU povećava značaj ove organizacije.

Ključne riječi: Europska unija, Organizacija ujedinjenih naroda, upravljanje krizama, efektivni multilateralizam

1. Introduction

The development of the European Security and Defence Policy of the European Union (ESDP), renamed Common Security and Defence Policy (CSDP) with the Lisbon Treaty, as well as the adoption of the European Security Strategy (ESS) put a new perspective on the EU-UN relationship. Since launching its first missions in 2003, the EU has been engaged in almost thirty military and civilian crisis management operations. The expansion of these operations within the framework of the CSDP has allowed the EU to make a real impact on the international stage as a global actor. At the same time, the EU adopted the European Security Strategy as the first document that defines the strategic objectives of the European Union. The Strategy underlines the EU's commitment to multilateral solutions and recognizes the centrality of the UN in the international security architecture. It stresses that the EU activity should be realised in the international order based on “effective multilateralism”. What does this notion imply? According to the ESS, effective multilateralism comprises “the development of a stronger international society, well functioning international institutions and a rule-based international order”, so as to allow the EU to make a real impact on international scene. The central place in this international system should belong to the United Nations, which has primary responsibility for the maintenance of international peace and security, while the UN Charter represents the fundamental framework for international relations. In this regard, the ESS underlines that the EU priority is to contribute to the strengthening of the UN by equipping it

to fulfill its responsibilities and to act effectively. To this end, the EU “is committed to reinforcing its cooperation with the UN to assist countries emerging from conflicts, and to enhancing its support for the UN in short-term crisis management situations”. Thus, the EU loyalty to the UN is at the centre of the concept of “effective multilateralism”, linking the two institutions at the strategic level.

What are the main challenges of the EU-UN cooperation in crisis management after the establishment of the ESDP/CSDP? What does the EU’s commitment to effective multilateralism through the cooperation with the UN mean in practice? Are the EU and the UN completing each other or competing with one another? The aim of this article is to answer these questions. To this end, the authors will first analyse the progressive institutionalisation of the EU-UN relationship. However, the EU’s interaction with the UN include also their operational cooperation in the field level. In this regard, the authors will also analyse the EU-UN cooperation in military and civilian crisis management operations. The authors conclude that the EU-UN cooperation can be characterized as a mutually beneficial cooperation based on the complementarity of the EU’s efforts in crisis management and the traditional role of the UN in this area. On the one hand, the UN provided a strategic framework for the EU CSDP missions. In other words, the UN gives the legality and the legitimacy of EU action in the field of crisis management. On the other hand, the key role that UN plays in the “exit strategy” of the EU increases the importance of this organization. In this regard, the EU contributes to the strengthening of the UN.

2. Institutionalisation of the EU-UN relationship in crisis management

The development of the European Security and Defence Policy of the EU has given a new impetus to the EU-UN relationship. Before the EU framed ESDP, apart from the cooperation that the UN and the European Commission had established in the development and humanitarian field, the two organisations had hardly any contact in the security domain. Since 2000, a series of documents, on the EU side, called for increased communication and cooperation between two organisations. Thus, the Nice European Council (2000) laid down the institutional basis for the EU-UN cooperation. It underlined “the value of cooperation” between EU and the UN, and emphasized the complementarity of the EU’s efforts in crisis management and the traditional role of the UN in this area (European Council, Nice, Presidency Conclusions, Annex VI). In this regard, it proposed to identify possible areas of cooperation, as well as their modalities, of cooperation between EU and the UN in crisis management. In accordance with these provisions, the EU General Affairs Council in June 2001 agreed on “a platform for intensified cooperation” with the UN, involving four level of cooperation: EU-ministerial level meetings with the UN Secretary-General; meetings and contacts between the EU High Representative and European Commission External Relations Commissioner with the UN Secretary-General and the UN Deputy Secretary-General; Political and Security Committee (PSC) meetings with the UN Deputy Secretary-General and Under-Secretaries-General and other levels and formats as appropriate and contacts of the Council Secretariat and the Commission services with the UN Secretariat (Council Document 9398/01, 2001). However, until 2003, these contacts did not lead to the substantial interaction between two organisations, whose relationship was primarily based on the exchange of informations and the high level contacts (Major, 2008: 10). These phase of “inaction” (Novosseloff, 2011) was replaced by the phase of “institutional convergence” (Novosseloff, 2011) that followed the launching of the operation Artemis, the first EU military mission within the framework of the CSDP in support of a UN Mission in Africa (MONUC). After this first experience of EU-UN cooperation within the operation Artemis, two organisations adopted on 23 September 2003 the Joint Declaration on EU-UN cooperation in crisis management. This declaration reiterates the EU’s “commitment to contribute to the objectives of the United Nations in crisis management” and provides for the establishment of the joint consultative mechanism at working level (known as Steering Committee) to examine ways and means to enhance mutual coordination and compatibility in four areas of cooperation: planning, training, communication and best practices (Council of the European Union, Joint Declaration on UN-EU Cooperation in Crisis Management, 12510/03). One of the tracks identified in the Joint Declaration (under the heading “planning”) aimed at identifying the modalities under which the EU could provide military capabilities in support of the UN. Therefore the Brussels European Council adopted in June 2004 the document entitled “EU-UN cooperation in military crisis management ope-

rations" (European Council, Brussels, Presidency Report on ESDP, EU-UN cooperation in Military Crisis Management Operations), which identifies two modalities of EU-UN cooperation in military missions. First, noting that EU military capabilities "are in no way "frozen" for ESDP purposes", the document provides for the possibility for EU Member States to provide their forces in the framework of a UN operation. In this case, the decision to provide military capabilities to a UN operation remains a national responsibility. A complementary role in this case is envisaged for the EU in the form of co-called "clearing house process" among Member States. The aim of this mechanism would be to create a framework by which Member States could, on a voluntary basis, exchange information on their contributions to a given UN operation and, if they so decide, to coordinate these national contributions. This mechanism was activated in 2004 following a UN request to strengthen its forces in the DR Congo, when the EU Member States decided to make the EU Satellite Centre available to the UN (Tardy, 2005: 61). The second possibility is an EU operation in answer to a UN request. This option comprises that the launching and conduct of an EU operation in support of the UN is under political control and strategic direction of the EU. Concerning this option, different modalities are possible. The EU could conduct operation under a UN mandate either as a stand alone operation, or take responsibility for a specific component within the structure of a UN mission (so-called "modular approach"). In this later case, the EU component would operate under political control and strategic direction of the EU.

Particular attention is given to operations that require a rapid response. The operation Artemis (described in the next section) pointed out the importance of a rapid response in crisis management and highlighted the limited capacity of the UN in this area. Following the proposition of France and UK, the concept of "battlegroups", initiated in 2003, provides the creation of special "groups" of 1500 troops to be deployed at short notice and on a short-term basis in the crisis area, following the request of the UN or as a part of an EU operation. Although the battlegroups were not intended exclusively to help the UN operations, their main purpose is to be deployed "principally in response to requests from the UN". Therefore a joint virtual exercise "EST05" was organised predicting the sending of military forces based on the concept of battlegroups which would be then transformed into the police forces in order to effectively manage the civilian crisis (Agence Europe, n° 9827, 14 April 2005).

Operations calling for rapid response can be twofold. First, the "bridging model" operation aims at providing the UN with time to mount a new operation or to reorganize an existing one. This model of operation calls for rapid deployment of appropriate military capabilities and agreed duration and end-state. The bridging model was developed in response to a new phenomenon in the field of implementation of peacekeeping operations which demands a rapid deployment of forces for a limited period of time, before UN takeover of the operation for a long time. This model offers several advantages both for EU and UN, but also raises the issue of compatibility between EU and UN approaches to crisis management. The fact that UN becomes part of the "exit strategy" of the EU implies that UN raises its standards to meet the requirements of the EU (Tardy, 2005: 63). Second, the "stand by model" consists of an "over the horizon reserve" or an "extraction force" provided by the EU in support of a UN operation.

The next important step in the institutionalisation of EU-UN cooperation in crisis management is the adoption of the Joint Statement on EU-UN cooperation in Crisis Management in June 2007, which underlines the importance of further cooperation and coordination between the two organizations, in particular through the regular senior-level political dialogue between the UN Secretariat and EU troika on broader aspects of crisis management, regular exchange of views between senior UN Secretariat officials and the Political and Security Committee of the EU, further meetings of the UN-EU Steering Committee, including ad hoc meetings in crisis situations as required, cooperation on aspects of multidimensional peacekeeping, including police, rule of law and security sector reform, exchanges between UN and EU Situation Centers and cooperation with the EU Satellite Centre (Council of the European Union, Joint Statement on EU-UN cooperation in Crisis Management).

A part from cooperation in military crisis management operations, the EU and UN also agreed on cooperation in civilian crisis management. The Brussels European Council in December 2004 recalled the EU's commitment to the concept of effective multilateralism and considered EU-UN cooperation in civilian crisis management operations as one of the priorities for further developing this concept (European Council, Brussels,

Presidency Report on ESDP, EU-UN Cooperation in civilian crisis management). To this end, three models of cooperation have been identified. First, there is a possibility of national contributions to an operation with information exchanged between EU Member States to improve efficiency. Second, there is a possibility of creation of an EU “clearing house” in order to coordinate Member States contributions. Namely, if the Political and Security Committee so decides, Member States could coordinate their contributions in a form of a “clearing house process”. This mechanism should ensure that national contributions are organized and ordered qualitatively and quantitatively, to meet the UN’s needs. Third, there is a possibility of an EU contribution following a request from the UN. Several options are possible in this case. There is a possibility of an EU contribution through an evaluation, assessment and monitoring of a crisis in advance of an UN operation. The outcome and findings of the mission should be made available to the UN together with the preliminary indications of the role that EU could play. Also, the EU could provide a civilian component to a larger UN operation, which could include only a single component with a single task (police) or a multifunctional component (police, civilian administration, rule of law) under its own chain of command. There is also a possibility for the EU to launch autonomous operation within UN framework. The UN may also request the EU to deploy a separate operation before or after a civilian UN operation. This model has been implemented in BiH. In this scenario, a particular attention should be paid to the practical issues such as information sharing, advanced co-location of EU officials in the UN mission, strategic coordination between headquarters. Finally, the EU and UN could conduct simultaneous operations. This requires the establishment of agreed and efficient practical arrangements, and secure and interoperable systems for information exchange and communication between the EU and the UN.

All these documents agreed by the EU and the UN represent an important step in the establishment of formal interinstitutional framework of EU-UN cooperation. The necessity of cooperation in crisis management is recognised by two organisations. On the political level, the linkage between CSDP and the UN has let the EU present its defence identity as part of global collective security strategy (Gowan, 2009a: 119). The EU has elaborated, in the face of UN demands and expectations, the principles for participating in crisis management and for putting its military and civilian capabilities at the disposal of the UN. Thus, the strategic framework for the CSDP missions and the EU acting as an global actor has been created.

3. EU-UN cooperation in crisis management operations

The institutionalisation of the EU-UN cooperation was followed by their cooperation in crisis management operations. The operational EU-UN relationship was particularly visible in Africa with the deployment of CSDP missions to support UN peacekeeping. The African continent had become a new theatre of operation for EU-UN cooperation. Most of the EU missions in Africa have involved direct or indirect cooperation with the UN. This section is particularly focused on “hybrid operations” (Gowan, 2009a: 118), i.e. cases where EU and UN missions have deployed in a coordinated manner. A part from African continent, the EU-UN operational relationship is also visible in the Balkans.

Artemis represents the first operational experience in EU-UN cooperation in military crisis operations. The mission was launched in response to the request formulated by the UN Secretary General. The UN forces were present in the Democratic Republic of Congo since 1999, when the Lusaka Ceasefire Agreement made way for the authorisation of the UN Mission in DRC (MONUC). After the deterioration of the situation in the country in 2003, as well as the inability of the UN forces to control the conflict, the UN Secretary General decided to call for urgent help from the international community. On French initiative, the EU responded positively to the UN request. On 30 May 2003, the UN Security Council adopted Resolution 1484 calling for the deployment of “an Interim Emergency Multinational Force in Bunia in close coordination with MONUC”, with the aim to “contribute to the stabilization of the security conditions and the improvement of the humanitarian situation in Bunia, to ensure the protection of the airport, the internally displaced persons in the camps in Bunia and, if the situation requires it, to contribute to the safety of the civilian population, United Nations personnel and the humanitarian presence in the town” (UNSC Resolution 1484, S/RES/1484 (2003)). It is also stressed that the future Interim Emergency Multinational Force in Bunia “is to be deployed on a strictly temporary basis”. Following the Resolution 1484, the EU Joint Action to launch operation Artemis was agreed to on 5 June 2003 (Council Joint Action

2003/423/CFSP). The mission was launched on 12 June 2003 (Council Decision 2003/432/CFSP). Its mandate was set out in UN SC Resolution 1484. The mission was ended by 1 September 2003. The mission Artemis was the first example of the “bridging model” operation: its aim was to provide the UN with time to mount a new force in Bunia in the framework of the MONUC.

Artemis was very important for EU-UN cooperation for several reasons. First, it was the first mission carried out on the basis of Chapter VII of UN Charter. Second, the operation resulted in a joint UN-EU Declaration (2003), that provided for the intensification of the further UN-EU cooperation in military crisis management operations. Third, the formal request from the UN came in right time: the EU was internally divided due to the war in Iraq. Thus, the UN request had a particular political weight, because it contributed to overcoming the disagreements between EU Member States within the EU foreign and security policy (CFSP). The UN request for the EU military mission can also be seen as a recognition of the EU’s capability for military action outside its own area. Fourth, the mission was one of the most successful cases of EU-UN institutional cooperation in crisis management (Fioramonti et al., 2012: 14). However, the operation was criticised from the UN, which complained about the lack of information coming from the EU, as well as non-existing communication between Artemis and MONUC, particularly in the beginning (Scheuermann 2010: 14). Also, the fact that no EU Member State participated in post-Artemis UN contingent showed that the EU was ready to support the UN with their own operation but not to participate in the UN operation (Ojanen, 2006b: 18). From an EU perspective, the operation Artemis was both military and political success. The EU activity in Africa in the framework of the CFSP has long remained limited by the adoption of common positions, reflecting a declarative and reactive diplomacy without mobilization of specific resources that would allow its significant involvement on the African continent. In this regard, the operation Artemis was of particular importance for the EU. It was the EU’s first military crisis management operation outside Europe, which was implemented without using NATO facilities. The mission contributed not only to the affirmation of the security and defence policy of the EU, but also to the affirmation of the EU as a global actor. The strategic planning of the operation was carried out within the CSDP structures (Political and Security Committee, EU Military Committee, EU Military Staff). However, despite the political autonomy of the EU in this mission, the fact remains that the decision on the launching of this operation came after an official request from the United Nations.

Like Artemis, the mission EUFOR DR Congo was launched after the formal request of the UN. In December 2005, the UN requested the EU to consider the possibility to send military forces in DR Congo during the election process in 2006. After a positive response from the EU, the UNSC adopted in April 2006 Resolution 1671 authorizing the EU to deploy forces in DR Congo to support MONUC forces during the election process. The Resolution 1671 clearly defined time, scope and the responsibilities of the EU operation (UNSC Resolution 1671, S/RES/1671 (2006)). The EUFOR DR Congo should operate “for a period ending four months after the date of the first round of the presidential and parliamentary elections”. The mission was charged with the following tasks: to support MONUC to stabilize a situation, in case MONUC faces serious difficulties in fulfilling its mandate, to contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment, and without prejudice to the responsibility of the Government of the DR Congo, to contribute to airport protection in Kinshasa, to ensure the security and freedom of movement of the personnel as well as the protection of the installations of EUFOR Congo, and to execute operations of limited character in order to extract individuals in danger. Following the Resolution 1671, the EU Council adopted on 27 April 2006 the Joint Action on EU military operation in support of the MONUC during the election process in DR Congo (Council Joint Action 2006/319/CFSP). The mission started on 12 June 2006 and was ended after four months.

Some similarities are evident between Artemis and EUFOR Congo. First, both missions were limited in time and space. Second, in both missions the EU Council took decisions rapidly after the adoption of the resolutions of the UNSC. Finally, like operation Artemis, the mission EUFOR Congo was engaged under a specific UN mandate, and could intervene only after an official request by MONUC (Morsut, 2009: 265). However, unlike operation Artemis, which was the first example of “bridging model” operation, the mission EUFOR Congo was the example of “stand by model” consisting of an “over the horizon reserve” in support of a UN operation (No-

vosseloff, 2011). The mission EUFOR Congo was also a test for UN officials “of how serious the EU’s was about using the battlegroups” (Gowan, 2009b: 56). Namely, France initially suggested the deployment of a franco-german battlegroup, but this unit was mainly able to carry out evacuation tasks and note the whole range of tasks outlined in the mandate (Major, 2008: 24). Also, in 2008, the EU Member States did not react to a UN request to send a mission to support UN forces in the eastern Congo, because they didn’t reach a consensus on the use of battlegroups. Two battlegroups were in readiness in 2008, consisted of UK and German troops, but two countries had no desire to deploy their forces in the DRC. As some authors point out, “with France apparently confused over its policy, other EU members could do relatively little” (Gowan, 2011: 599). So, there was no political will among EU Member States to deploy battlegroups in response from the UN request.

The second “bridging model” operation in Africa was the EU mission EUFOR Chad/CAR. Its aim was to prepare the ground for the deployment of UN military forces in the eastern Chad and northeastern CAR. Namely, the increasing instability in the region of northern Chad, on the border with the Sudanese region of Darfur, initiated a reaction from the UN. The UN SC Resolution 1706 on the situation in Darfur reaffirmed its concern that the violence in Darfur might negatively affect the rest of the Sudan as well as the whole region, in particular Chad and the Central African Republic, and for that reason decided to expand the mandate of UN mission in Sudan (UNAMIS) to include Darfur (UNSC Resolution 1706, S/RES/1706 (2006)). According to the Resolution 1706, the UNAMIS was supposed to be strengthened by up to 17,300 military personnel and by an appropriate civilian component including up to 3,300 civilian police personnel. However, this initiative was rejected by the Sudanese government (Le Monde, 31 August 2006). The UN then adopted the Resolution 1769, which predicted the launching of an AU/UN Hybrid operation in Darfur (UNAMID), as well as the deployment of UN military forces in the eastern Chad and northeastern CAR (UNSC Resolution 1769, S/RES/1769 (2007)). Like the previous one, this proposal was also rejected by the president of Sudan who was hostile towards the idea of a UN military presence (Mérand and Rakotonirina, 2009: 112). Finally, the UNSC adopted Resolution 1778 in September 2007 which authorized the European Union to deploy, for a period of one year, the military operation in Chad and CAR, alongside with the UN civilian mission MINURCAT, composed of 300 police and 50 military liaison officers tasked to train and advice police forces (UNSC Resolution 1778, S/RES/1778(2007)). The EU military operation, named EUFOR Chad/CAR, was to be deployed on a temporary basis (one year). It was intended to support the civilian UN mission, while the UN prepared its military component to this mission. In accordance with the Resolution 1778, the Council of EU adopted on 15 October 2007 Joint Action on the European Union military operation in the Republic of Chad and in the Central African Republic (Council Joint Action 2007/677/CFSP). The mission was aimed to fulfill the following functions: to contribute to protecting civilians in danger, particularly refugees and displaced persons, to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations, to contribute to protecting UN personnel, facilities, installations and equipment and to ensuring the security of freedom of movement of its staff and UN and associated personnel.

Like Operation Artemis, the mission EUFOR Chad/CAR was the “bridging model” mission, with the aim to prepare the ground for the deployment of UN military forces (MINURCAT 2). The mission was limited in time and space. The operation took end on 15 March 2009. From an internal perspective, the mission EUFOR was the largest military operation that the EU has launched in Africa (3700 troops). This mission was a significant step for the development of the CSDP. However, the mission created political tensions in the EU-UN relationship. Although both EUFOR and MINURCAT were initially delayed, the UN police mission was much slower in becoming operational than EUFOR (Mattelaer, 2008: 9). Some authors underline that MINURCAT was so slow in its force generation and the training of local police that during most of the deployment of EUFOR there was no parallel police presence (Dijkstra, 2010: 396). This caused difficulties in the process of division of labor within the refugee camps, because EUFOR was not prepared for policing tasks (Dijkstra, 2010: 396). The EUFOR forces were not authorised to provide security within the refugee camps, this task intended to be provided by Chadian police trained by MINURCAT. However, due to the slow deployment of MINURCAT forces, the “security vacuum” was created that left the refugee camps unprotected. This negatively affected EUFOR’s ability to support the delivery of humanitarian aid (Peen Rodt, 2011: 53).

After the mission EUFOR in Chad, the Libyan crisis created new tensions in the EU-UN relationship. In April 2011, EU Member States agreed on a military mission to assist the delivery of humanitarian aid at the UN's request. In this regard, the EU Council adopted the Decision on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (Council Decision 2011/210/CFSP). However, this mission has not been launched since it has been no formal request from the UN. The EU's offer has been viewed by the UN as more dangerous than helpful, given the risks of militarising humanitarian operations in a high-risk environment (Gowan, 2011: 607). However, it seems that this tensions in EU-UN relations are the past. Namely, in January 2014, the EU approved the creation of EUFOR RCA Bangui, the new EU military mission in the framework of the CSDP. As some authors point out, "five years after the termination of EUFOR Tchad/ RCA (2008-09), the EU returns to the Central African Republic (CAR) in a stabilisation role" (Tardy, 2014). The future mission will be deployed for a period of up to six months. The EUFOR RCA Bangui has been authorised by the UN Security Council Resolution 2134 (UNSC Resolution 2134, S/RES/2134 (2014)). This will be another example of the "bridging model" mission, whereby the EU operation is deployed to allow a longer-term mission (probably the EU peacekeeping operation).

Regarding the EU military operations in the Balkans, the first EU military mission that has been launched in the framework of the ESDP/CSDP, the operation Concordia, was launched on the request of macedonian government. In this regard, the UN Security Council adopted in September 2001 Resolution 1371 which supported "the establishment of a multinational security presence in the Former Yugoslav Republic of Macedonia at the request of its Government" (UNSC Resolution 1371, S/RES/1371 (2001)). So, the UN Resolution 1371 only stated the presence of the EU military force. Unlike operation Concordia, the EU mission in BiH, Althea, was launched in accordance with the Chapter VII of the UN Charter. The UN Security Council Resolution 1575 from November 2004, authorised "the Member States acting through or in cooperation with the EU to establish for an initial planned period of 12 months a multinational stabilisation force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO HQ presence" (UNSC Resolution 1575, S/RES/1575 (2004)).

The analysis of the EU-UN cooperation in military crisis management operations has shown mutual benefits for the EU and the UN. Namely, the UN played the key role in the "exit strategy" of the EU, i.e. the UN missions have provided a strategic framework for ESDP/CSDP missions (Artemis, EUFOR DR Congo, Chad, EUFOR RCA Bangui). On the other hand, the EU missions have provided significant military support to UN missions.

As previously mentioned, the EU-UN relationship includes also their cooperation in the field of civilian crisis management. The EU actions in civilian areas could be the result of an autonomous EU action, or an action in response to request of a lead agency, like the UN or the OSCE. The EU civilian missions in the Balkans have been oriented to take over the UN missions, while in African continent these missions have been launch after the request of the government of a particular country.

The first "test case" (Novoseloff, 2011: 4) in EU-UN cooperation in civilian crisis management was the EU Police Mission in BiH (EUPM). This first EU mission in the framework of the ESDP/CSDP has been launched in January 2002, after the adoption of the Joint Action by the EU Council (Council Joint Action 2002/210/CFSP), with the aim to take over the International Police Task Force (IPTF), established by the Dayton agreements. The period of transition included four phases. First, the head of IPTF was appointed as the head of the EU Planning Mission in BiH, and then as the head of the EU Police Mission (double hatted formula). Then the High Representative in BiH was also named Special Representative of the EU (EUSR). Also, the EU sent a planning mission nine months prior to the handover from the UN. Finally, a small UN liaison office (11 staff members) remained from January to June 2003 in the EUPM headquarters in order to provide assistance to EUPM (Novoseloff, 2011). The overall EU-UN cooperation was assessed positively, but the transition of responsibility from the UN to EU was not smooth. Particularly problematic was double hatted formula, which led to an additional workload that was difficult to digest (Tardy, 2005: 55).

The second example of EU-UN cooperation in civilian crisis management in the Balkans is the mission EU-LEX Kosovo. Like the EUPM, the aim of this mission is to take over the UN civilian mission (UNMIK). The UNSC

Resolution 1244 of 10th June 1999 established the international civilian and security presence in Kosovo under UN auspices (UNSC Resolution 1244, S/RES/1244 (1999)). NATO took over the military dimension and deployed their forces (KFOR), while the UN Interim Administration Mission in Kosovo (UNMIK), under the authority of a Special Representative of the UN Secretary General was mandated to take charge of the interim civilian administration of Kosovo. UNMIK's mandate was at the same time broad, executive, highly political and ambiguous (Grevi, 2009: 354), including not only the promotion of substantial autonomy and self-government in Kosovo, but also the facilitation of the political process designed to determine the future status of Kosovo. In November 2005, the UN Secretary General tasked Martii Ahtisaari, the former Finnish President, to explore the options concerning the future status of Kosovo. The result was "comprehensive proposal" for a "supervised independence" including an ESDP mission entrusted with powers in the field of rule of law. Following Ahtisaari Plan, the EU Council adopted in April 2006 the Joint Action on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo (Council Joint Action 2006/304/CFSP). Following the Serbia's and Russia's opposition to the future EU mission, the UNSC engaged the Troika talks whose work was concluded without result. Regarding the EU Member States, they finished the political agreement on the future EULEX operation and planning process before the unilateral declaration of independence by (Dijkstra, 2011). The EU Council adopted on 4 February 2008 the Joint Action on the EU rule of law mission in Kosovo (Council Joint Action 2008/124/CFSP). According to the EU Council Joint Action, EULEX Kosovo "shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices". In other words, three different components of the mission exist: police, justice and customs components. EULEX is the first CSDP civil mission including a custom component. Following the unilateral declaration of independence by Pristina, there were intensive consultations between UN and EU, coming to an compromise, in which UNMIK would keep a significant presence in Kosovo, while the EU would be in charge of rule of law via EULEX and would send a report to the UN Secretary General (Dijkstra, 2011). The UNSC Resolution 1244 remained the legal framework of the EU mission. The EU accepted, through the EULEX mission, to operate "under the UN umbrella", and within the overall framework of the UN status neutrality (Novosseloff, 2011).

Regarding the EU-UN cooperation in civilian crisis management in Africa, the first EU civilian mission in Africa, EUPOL DR Kinshasa, was not directly connected to any specific UN resolution. The aim of the mission was to contribute to the establishment of the Integrated Police Unit in DR Congo. The UN civilian forces have been present in the DR Congo since 2001, mainly offering advise, training and assessment support to the local authorities in Kinshasa, Kisangani and Bunia. The formation of an integrated police unit in Kinshasa was a complex task, and the UN realised that assistance from the EU would be significant (Morsut, 2009: 266). Therefore, the UNSC Resolution 1493 called for the implementation of an integrated Congolese police unit (UNSC Resolution 1493, S/RES/1493/(2003)). Following the agreement with the UN, the DRC government asked the EU for support in setting up the integrated police unit. The EU Council adopted in May 2004 the Joint Action on European Union mission EUPOL DR Kinshasa (Council Joint Action 2004/494/CFSP). This mission enabled the EU to gain experience in civilian police missions from the UN (Martinelli, 2006: 394). In 2007, the mission EUPOL DR Kinshasa was renamed EUPOL DR Congo, expanding the activity of the EU on the whole country (Council Joint Action 2007/405/CFSP). The aim of this mission was to contribute to the process of reforming of the police sector in the DR Congo. As the previous one, the EU civilian mission EUSEC DR Congo (Council Joint Action 2005/355/CFSP), was also authorised in response to a formal request of the government of the DR Congo. The mission focused on training the Congolese National Army. Although there was no specific UN SC Resolution calling for UN mission, EUSEC DR Congo was implicitly framed within UN Resolutions 1565 (UNSC Resolution 1565, S/RES/1565(2004)) and 1592 (UNSC Resolution 1592, S/RES/1592 (2005)), which called for international efforts to support the Congolese authorities in reforming the security sector.

4. Conclusion

The EU-UN cooperation in the field of crisis management offers multiple benefits for both organizations. On the one hand, the EU seeks to strengthen its influence in the international arena, to be more visible and to take a pro-active policy in the field of crisis management through CSDP. Therefore, the development of CSDP lead to the intensification of relations with the UN, as the main institution for the maintenance of international peace and security. The EU approach to crisis management, which involves starting operations as soon as possible, can be more easily implemented with a UN mandate. Operating under the UN mandate is an easy way for the EU to achieve the consensus among its leading Member States. In this regard, military operations Artemis and EUFOR Tchad would not have been realised in such a short time without a UN mandate, given the opposition of some EU Member States on the role of France in Africa. In other words, the UN gives the legality and legitimacy of EU action in crisis management. The UN missions have provided a strategic framework for ESDP/CSDP missions (Artemis, EUFOR DR Congo, Chad, EUFOR RCA Bangui). On the other hand, the possibility for the UN to play a key role in the “exit strategy” of the EU increases the importance of this organisation. In this regard, the EU contributes to the strengthening of the UN. The EU missions have provided significant military support to UN missions. Bearing in mind that the EU is seeking to be strong and respected actor in the international scene, it needs to contribute to building up a stronger UN in areas where the latter requires assistance, as in crisis management. For the UN, the EU is an important partner in the “effective multilateralism”, because it contributes to the “division of labor” in crisis management (Ojanen, 2006a: 47). This “marriage” of two organisations includes mutually beneficial cooperation, because each organization has benefits that can be useful to other organization (Tardy, 2011: 10).

At the same time, this division of labor raises some questions about the future of this relationship. Two questions deserve a particular attention. First, the autonomy of action is one of the key concepts of the CSDP process. In accordance with this principle, all envisaged scenarios for EU-UN cooperation in military and civilian operations underline the autonomy of the EU action. All operations undertaken by the EU were under political control and strategic direction of the EU Political and Security Committee. In this regard, the EU-UN relationship is somewhat ambivalent, bearing in mind that the EU declares herself as a strong supporter of the UN, in accordance with the concept of “effective multilateralism” and the European Security Strategy, but in the same time insists on its political autonomy. What is notably confused is the EU approach for military cooperation with the UN. The key element in this cooperation is the concept of battlegroups designed for rapid reaction, but in the same time the EU remains reluctant to use this groups upon UN request. In fact, the concept of battlegroups was never used by the EU in practice, which can easily lead to the conclusion that EU has developed a dysfunctional system for military cooperation with the UN (Gowan, 2009b). Therefore, it is more likely that the EU-UN future relationship will be developed on a “case-by-case” basis rather than in a institutionalised way (Tardy, 2003). As an independent global actor, the EU focuses on a pragmatic rather than an institutionalized approach in its cooperation with the UN (Morsut, 2009). The EU cooperation with the UN should not undermine in any way the EU ability to pursue its own policy (CSDP).

Second, the question of the mandate for EU operation is very important. In most cases, the EU acts in support of the UN. The fact is that the EU-UN interaction in military and civilian mission have demonstrated that the two organisations are willing to cooperate. Although the EU is seeking to act in accordance with the provisions of the UN Charter, the UN mandate is not a necessary condition for an EU action in crisis management. So far the EU engagement was limited in space and time and under a specific and clear UN mandate. The previous experience has shown that the EU has a tendency to act upon the UN mandate when it comes to operation under Chapter VII of the UN Charter and in the case of an operation launched outside Europe. However, the CSDP was not created in response to the UN needs, but as a policy that will enable the EU to act as a global actor in the international scene by undertaking crisis management operations, with or without UN. In its relation with the UN, the EU shall always preserve the autonomy of decision-making and action.

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CHALLENGES OF "EFFECTIVE MULTILATERALISM": THE COOPERATION BETWEEN EU AND UN IN CRISIS MANAGEMENT⁷⁰

Abstract

The development of the Common Security and Defence Policy (CSDP), military and civilian missions undertaken by the EU in the framework of this policy, and the adoption of the European Security Strategy provides a new perspective in the development of the relationship between the EU and the UN. Crisis management is becoming a priority in the relationship between the two organizations, with emphasis on the complementarity of the EU's efforts in crisis management and the traditional role of the UN in this area. In this paper the institutionalization of relationship between the EU and the UN will be first analyzed, and then their cooperation in military and civilian crisis management operations. The authors conclude that cooperation between the EU and the UN offers multiple benefits for both organizations. On the one hand, the UN gives the legality and the legitimacy of EU action in the field of crisis management, while, on the other hand, the possibility that the United Nations plays a key role in the "exit strategy" of the EU increases the importance of this organization.

Key words: European Union, United Nations, crisis management, effective multilateralism

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